

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 24700WO/23(2)	FOR FURTHER ACTION		See item 4 below
International application No. PCT/EP2004/002482	International filing date (day/month/year) 11 March 2004 (11.03.2004)	Priority date (day/month/year) 14 April 2003 (14.04.2003)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant WESTFALIA SEPARATOR AG			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input checked="" type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

Date of issuance of this report 02 March 2006 (02.03.2006)
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Authorized officer
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Form PCT/IB/373 (January 2004)

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

**PCT**

**Translation**

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

		Date of mailing (day/month/year)
Applicant's or agent's file reference <b>24700WO/23 (2)</b>		FOR FURTHER ACTION See paragraph 2 below
International application No. <b>PCT/EP2004/002482</b>	International filing date (day/month/year) <b>11.03.2004</b>	Priority date (day/month/year) <b>14.04.2003</b>
International Patent Classification (IPC) or both national classification and IPC		
Applicant <b>WESTFALIA SEPARATOR AG</b>		

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input checked="" type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	Telephone No.

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INTERNATIONAL SEARCHING AUTHORITY

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Box No. I	Basis of this opinion
	<p>1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).</p> <p>2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:</p> <p>a. type of material</p> <p><input type="checkbox"/> a sequence listing</p> <p><input type="checkbox"/> table(s) related to the sequence listing</p> <p>b. format of material</p> <p><input type="checkbox"/> in written format</p> <p><input type="checkbox"/> in computer readable form</p> <p>c. time of filing/furnishing</p> <p><input type="checkbox"/> contained in the international application as filed.</p> <p><input type="checkbox"/> filed together with the international application in computer readable form.</p> <p><input type="checkbox"/> furnished subsequently to this Authority for the purposes of search.</p> <p>3. <input type="checkbox"/> In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.</p> <p>4. Additional comments:</p>

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Box No. II Priority

1.  The following document has not yet been furnished:  
 copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).  
 translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).  
Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date in the claimed priority date.
2.  This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

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Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																			
<p>1. Statement</p> <table> <tr> <td>Novelty (N)</td> <td>Claims <u>7, 8, 11-14, 17, 18</u></td> <td>YES</td> </tr> <tr> <td></td> <td>Claims <u>1-6, 9, 10, 15, 16, 19</u></td> <td>NO</td> </tr> <tr> <td>Inventive step (IS)</td> <td>Claims _____</td> <td>YES</td> </tr> <tr> <td></td> <td>Claims <u>1-19</u></td> <td>NO</td> </tr> <tr> <td>Industrial applicability (IA)</td> <td>Claims <u>1-19</u></td> <td>YES</td> </tr> <tr> <td></td> <td>Claims _____</td> <td>NO</td> </tr> </table>			Novelty (N)	Claims <u>7, 8, 11-14, 17, 18</u>	YES		Claims <u>1-6, 9, 10, 15, 16, 19</u>	NO	Inventive step (IS)	Claims _____	YES		Claims <u>1-19</u>	NO	Industrial applicability (IA)	Claims <u>1-19</u>	YES		Claims _____	NO
Novelty (N)	Claims <u>7, 8, 11-14, 17, 18</u>	YES																		
	Claims <u>1-6, 9, 10, 15, 16, 19</u>	NO																		
Inventive step (IS)	Claims _____	YES																		
	Claims <u>1-19</u>	NO																		
Industrial applicability (IA)	Claims <u>1-19</u>	YES																		
	Claims _____	NO																		
<p>2. Citations and explanations:</p> <p>1. International Search Report citations:</p> <p>D1: WO 02/07478 A (ANDRITZ AG MASCHF; ERKINGER WERNER (AT); ZEGG HERBERT (AT) 24 January 2002 (2002-01-24)</p> <p>D2: PATENT ABSTRACTS OF JAPAN, Vol. 0183, No. 71 (C-1224), 13 July 1994 (1994-07-13) &amp; JP 6 099041 A (HITACHI PLANT ENG &amp; CONSTR CO LTD), 12 April 1994 (1994-04-12)</p> <p>D3: DE 100 19 674 A (AAFLOWSYSTEMS GMBH &amp; CO KG) 31 October 2001 (2001-10-31)</p> <p>D4: WP 00/47312 A (ZEGG HERBERT; ANDRITZ PATENTVERWALTUNG (AT)) 17 August 2000 (2000-08-17)</p>																				
<p>2 INDEPENDENT CLAIM 1</p> <p>2.1 The present application does not fulfill the requirements of PCT Article 33(1) because the subject matter of claim 1 is not novel within the meaning of PCT Article 33(2).</p> <p>Document D1 discloses (page 1, line 1 - page 3, line 23; figure 5) a filtration device with a container in which several spindles (shafts) are arranged, on which</p>																				

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

rotating filter disks are stacked in an axial manner on top of each other. A similar device is disclosed in documents D2 - D4.

3 Dependent claims 2-19 do not contain any features which, in combination with the features of any claim to which they refer back, meet the PCT requirements for novelty and inventive step. See documents D1 - D4 and the corresponding citations given in the search report.